

COUNTY OF KANE

DEVELOPMENT & COMMUNITY
SERVICES DEPARTMENT
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KANE COUNTY ZONING ORDINANCE INTERPRETATION MEMORANDUM

Date: October 13, 2026
To: Interested Parties and Applicants
From: Mark D. VanKerkhoff, *Director & Zoning Enforcing Officer*
Subject: Interpretation of Zoning Ordinance Provision – Classification of a Residential Treatment Facility in the F-Farming District [Sections 25-5-15 and 25-8-1-2(DD)]

This memorandum is issued to determine how a Residential Treatment Facility, a land use not listed by name in the Kane County Zoning Ordinance, is classified in the F-Farming District. This interpretation was requested in connection with the special use petition of Northern Illinois Recovery, LLC for the property at 35W543 Miller Road, Dundee Township (PIN 03-09-300-023).

Zoning Determination Authority:

It is the responsibility of the Zoning Enforcing Officer, as defined in Section 25-4-1 of the Kane County Zoning Ordinance, "to administer and enforce the provisions of this ordinance, and to that end [...] have the power to make such orders, requirements, decisions, and determinations as are necessary with respect to applications for permits and the enforcement of this ordinance."

Section 25-5-15 further authorizes the Zoning Enforcing Officer to allow land uses not contained by name in a zoning district's list of permitted or special uses that are similar in nature and clearly compatible with the listed uses, following review and a favorable report by Development & Community Services staff.

Zoning Ordinance Sections:

25-5-15 INTERPRETATION OF USE LISTS:

The enforcing officer may allow land uses which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such nonlisted uses shall not be approved until the application for such use has been reviewed by the county development department staff and a favorable report has been received by the enforcing officer. The nonlisted uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.

25-8-1-2 SPECIAL USES (F-Farming District):

Q. Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages.

DD. Other uses similar to those permitted herein as special uses.

25-3-1 DEFINITIONS:

- Assisted Living Facility: A building and premises where the proprietor furnishes lodging and varying degrees of custodial care to persons who are elderly or who require assistance in daily living, but are otherwise in good health.
- Nursing and Convalescent Home: A building and premises for the care of sick, infirm, aged, or injured persons to be housed; or a place of rest for those who are bedfast or need considerable nursing care, but not including hospitals, assisted living facilities or group homes.

Official Interpretation:

A Residential Treatment Facility is a use similar in nature to and clearly compatible with the nursing and convalescent homes and assisted living facilities listed as special uses in Section 25-8-1-2(Q).

It is therefore classified as an "other use similar to those permitted herein as special uses" under Section 25-8-1-2(DD), and may be established in the F-Farming District only upon approval of a special use under Section 25-4-8.

For the purposes of this interpretation, a Residential Treatment Facility is a building and premises where persons with substance use disorders and/or mental health conditions reside on site for a defined period while receiving 24-hour supervision, therapeutic services, and medical monitoring under a license issued by the State of Illinois. A Residential Treatment Facility does not include hospitals, outpatient clinics, stand-alone detoxification facilities, group homes, or facilities open to walk-in or unscheduled public access.

Basis for Interpretation:

A Residential Treatment Facility shares the defining characteristics of two uses listed in Section 25-8-1-2(Q), but does not fall cleanly within either definition in Section 25-3-1:

- Like a nursing and convalescent home, residents are housed on site to receive care for a health condition, with nursing staff present around the clock. Unlike a nursing and convalescent home, residents are ambulatory, and the care is clinically managed treatment rather than considerable nursing care.
- Like an assisted living facility, the operator furnishes lodging and supervision to ambulatory residents who need support in daily living. Unlike an assisted living facility, residents are not "otherwise in good health"; they are in residence specifically to receive treatment.

Because the use combines elements of both definitions, classifying it under either one would require reading that definition more broadly than its text supports. Sections 25-5-15 and 25-8-1-2(DD) provide for this situation. A Residential Treatment Facility is similar in nature to the listed uses because it is a supervised, state-licensed residential setting in which the operator provides lodging and care to residents who live on site, with staff on duty around the clock and no public access. It is clearly compatible with the listed uses because its land use characteristics, including residential-scale buildings, scheduled visitation and admissions, staff shift traffic, and limited outdoor activity, are comparable to those of the residential care uses already allowed as special uses in the F-Farming District.

A Residential Treatment Facility is not a hospital or sanatorium, which Section 25-3-1 defines as "an institution open to the public" providing medical or surgical care, and it is not a group home, which is limited to no more than eight (8) persons with a handicap.

Applicable Standards and Procedures:

Because a Residential Treatment Facility is classified as similar to the special uses listed in Section 25-8-1-2(Q), it is subject to the same procedures and standards that apply to those uses, including:

- A public hearing before the Zoning Board of Appeals and approval by the County Board (Section 25-4-8);
- Findings that each of the Standards of a Special Use in Section 25-4-8-2(A)–(F) is met;
- Conditions, guarantees, and an approved site plan that becomes part of the approving ordinance (Section 25-4-8-3);
- Establishment of the use within one year of approval (Section 25-4-8-5);
- Off-street parking at the rate required for nursing homes, rest homes, and sanatoriums: one space for each four beds, plus one space for each two employees other than doctors, plus one space for each doctor on staff (Section 25-14-1-7); and
- F-Farming District bulk and setback requirements and all other applicable County requirements, including the Stormwater Ordinance (Chapter 9), Health Department requirements for water supply and wastewater disposal (Chapters 20 and 24), the adopted building and life safety codes, and the requirements of the fire protection district with jurisdiction.

Conclusion:

A Residential Treatment Facility, as described in this memorandum, is classified as a special use in the F-Farming District under Section 25-8-1-2(DD) and shall follow the same procedures and standards as the residential care uses listed in Section 25-8-1-2(Q). This interpretation determines only how the use is classified; it does not approve the Northern Illinois Recovery, LLC petition or any other application, and makes no finding on whether any proposal meets the Standards of a Special Use. A facility that differs materially from the use described above requires a separate determination. As required by Section 25-5-15, "Residential Treatment Facility" will be recommended for addition to the appropriate use list, with a definition in Section 25-3-1, at the next periodic update of the Zoning Ordinance. Consistent with Section 25-5-3(B), this interpretation shall not be construed contrary to the federal Fair Housing Act.

Any person aggrieved by this interpretation may appeal it to the Zoning Board of Appeals under Section 25-4-5 by filing a notice of intention to appeal within thirty (30) days (Section 25-4-2-4(F)). Should you have further questions or require case-specific guidance, please contact the Department of Development and Community Services.

Signed and approved by the Director of Development & Community Services, who serves as the County's Official Zoning Enforcing Officer, on this 13th day of October, 2026.



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